

## REMARKS

Claims 39, 41-43, 45-48, 50, 51, 53, 54, 56, 57, 60-65 and 67 were pending when last examined. By the present Response, claim 61 has been cancelled, claims 39, 48, 54 and 64 have been amended, and claims 68 and 69 have been added. No new matter has been introduced. Support for the amendment can be found at least in page 2, FIGS. 1-3 and 5, the corresponding description in the specification.

### **Claim Rejections – 35 USC § 103**

Claims 39, 41-43, 45-48, 50, 51, 53, 54, 56, 57, 60-65, and 67 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,704,929 to Ozer et al. (“Ozer”) in view of U.S. Patent No. 7,051,352 to Schaffer (“Schaffer”) and in further view of U.S. Patent No. 6,188,869 to Chan (“Chan”). Applicants respectfully traverse the rejections.

Claim 39, as amended, recites a method implemented by an apparatus for processing multimedia content and information related to multimedia content consumption. The method includes receiving a multimedia program having a program identifier, receiving a content description about the multimedia program, collecting information about consumption of multimedia content, and storing a usage history in the apparatus. The usage history includes a user action list that includes a user action item corresponding to a user action. The user action item of the usage history includes the program identifier and a link to a particular location where a specific element of the content description about the multimedia program is located, wherein the specific element of the content description is related to the content consumed from the multimedia program in relation to the user action and the particular location is separate from the user action list. The method further includes using the link in the user action item of the usage history to generate user preference information including a user preference item that corresponds to the specific element of the content description.

The Examiner admitted that Ozer and Schaffer fail to disclose the claimed link to a particular location where a specific element of the content description about the multimedia

program is located. *See* Office Action of August 21, 2007, at page 4. The Examiner pointed to Chan for the missing subject matter. *Id.*

Chan, however, is also lacking. Chan discloses embedding links, such as HTML tags containing URL addresses, into broadcast information. *See* Chan at col. 8:7-27. The embedded links are rendered in a browser as highlighted text or image. *Id.* The user can click on the highlighted portions to access the corresponding information. *Id.* In short, Chan discloses user selectable links in a browser. Instead of links in a browser, the claim explicitly requires the link to the particular location to be included in a user action item of the usage history. Thus Chan, like Ozer and Schaffer, lacks a user action item of the usage history that includes the link to the particular location. Lacking the claimed link, Ozer, Schaffer and Chan cannot disclose using the link in the user action item of the usage history to generate user preference information as required by the claim.

As Chan, Ozer and Schaffer fail to disclose or suggest the claimed link in the user action item of the usage history, the Examiner suggested to modify the teaching of the references “to use the html file location tags taught by Chan to the method disclosed by Ozer and Schaffer.” *See* Office Action of August 21, 2007, at page 4. The Examiner explained that the “motivation would have been to use a known programming language with documented standards to lower development costs by not having to create a new API.” *Id.*

The motivation provided by the Examiner is misplaced. As discussed above, the claimed invention differs from Ozer, Schaffer, and Chan, at least, by requiring that the user action item of the usage history includes a link to a particular location where a specific element of the content description about the multimedia program is located. Because in the cited prior art, the user action item of the usage history completely lacks the claimed link to the particular location, the question is not the type of link (standardized or not) that should be used to point to the particular location, but why would the claimed link to the particular location be obvious to add into the user action item of the usage history. The Examiner’s suggestion, like the references, do not answer this question. Thus, the Examiner failed to provide a proper motivation or a reasonable explanation for the alleged obviousness of

adding the claimed link into the user action item of the usage history. Accordingly, the Examiner seems to use impermissible hindsight.

Furthermore, Ozer and Schaffer are concerned with the problem of generating “viewer history without a large amount of storage or computing effort being required.” *See* Schaffer at col. 3:6-7 (also cited by the Examiner). Yet, neither Ozer nor Schaffer has found the solution of a user action item that includes a link to a particular location. Ozer, for example, explains that “[d]epending on the types and volume of viewing behavior information that is desired, one or more of the categories of types of information that are illustrated in FIG. 4 ... can be selected for inclusion in viewing behavior information ..., [and] for each viewing event, the foregoing information ... is identified and stored as an instance of viewing behavior information.” *See* Ozer at col. 11:47-61. Thus, Ozer prefers to include a large amount of data directly in the viewing behavior information. In the alternative, Ozer discloses that, “the viewing behavior information ... can be limited to as little as a unique ID associated with a channel and a unique ID associated with a television program.” *See* Ozer at col. 12:17-36. Ozer, however, explains that in this alternative case “much of the processing is shifted to the central clearinghouse.” *Id.* Indeed, because Ozer lacks the claimed link to the particular location, the clearinghouse needs to search the entire electronic program guide for information about the television program. And even if Ozer finds information about the television program in the electronic program guide, it will not know which portion of that information is relevant to a particular user action. In contrast, the claim calls for a link to a particular location where a specific element of the content description is located, wherein the specific element is related to the content consumed from the multimedia program in relation to the user action.

In sum, the cited references fail to disclose or even suggest the claimed user action item of the usage history that includes a link to a particular location and using the link in the user action item of the usage history to generate user preference information. As the Examiner failed to provide a reasonable explanation or motivation to combine and modify the references to obtain the claimed subject matter, no *prima facie* case of obviousness has

been established. Accordingly, claim 39 should be allowable. Claims 41-43, 45-47, and 60 depend from claim 39, and should be allowable for at least the same reasons.

Independent claims 48, 54, and 64, as amended, require limitations similar to those discussed above with reference to claim 39. Thus, claims 48, 54, and 64 should be allowable for at least the same reasons as claim 39. Dependent claims 50, 51, 53, 56, 57, 62, 63, 65 and 67 are allowable for at least the same reasons as their respective base claims.

**New Claims**

New claims 68 and 69 depend from claim 39 and are allowable for at least the same reasons as those discussed above.

**CONCLUSION**

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

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